

Senate Chamber, Atlanta, Georgia  
Wednesday, February 22, 2006  
Twenty-second Legislative Day

The Senate met pursuant to adjournment at 10:00 a.m. today and was called to order by the President.

Senator Moody of the 56th reported that the Journal of the previous legislative day had been read and found to be correct.

By unanimous consent, the reading of the Journal was dispensed with.

The Journal was confirmed.

The following message was received from the House through Mr. Rivers, the Clerk thereof:

Mr. President:

The House has passed by the requisite constitutional majority the following Bills of the House:

HB 535. By Representatives Cox of the 102nd, Rice of the 51st and Ralston of the 7th:

A BILL to be entitled an Act to amend Chapter 21A of Title 15 of the Official Code of Georgia Annotated, relating to judicial accounting, so as to remove the penalties for failure to remit funds; to provide for related matters; to provide for an effective date and applicability; to repeal conflicting laws; and for other purposes.

HB 832. By Representatives McCall of the 30th and Hudson of the 124th:

A BILL to be entitled an Act to amend Code Section 43-34-103 of the Official Code of Georgia Annotated, relating to approval of physician's assistants, so as to provide for actions of such assistants with regard to professional samples; to provide for related matters; to repeal conflicting laws; and for other purposes.

- HB 983. By Representatives Chambers of the 81st, Ehrhart of the 36th, Willard of the 49th and Forster of the 3rd:

A BILL to be entitled an Act to amend Part 1 of Article 8 of Chapter 1 of Title 10 of the Official Code of Georgia Annotated, relating to sale of petroleum products, so as to prohibit certain acts relating to gasoline containing methyl tertiary-butyl ether; to repeal conflicting laws; and for other purposes.

- HB 1055. By Representatives Keown of the 173rd, Freeman of the 140th, Hill of the 21st, Setzler of the 35th, Black of the 174th and others:

A BILL to be entitled an Act to amend Title 20 of the Official Code of Georgia Annotated, relating to education, so as to provide for a short title; to provide for the adoption and implementation of Internet safety policies in public schools; to provide for the adoption and implementation of Internet safety policies in public libraries; to provide for related matters; to repeal conflicting laws; and for other purposes.

- HB 1236. By Representatives Wilkinson of the 52nd and Forster of the 3rd:

A BILL to be entitled an Act to amend Code Section 48-5-444 of the Official Code of Georgia Annotated, relating to place of return of motor vehicles and mobile homes, so as to provide for the registration of certain motor vehicles in the county where such vehicles are functionally located; to provide for a definition; to provide for related matters; to repeal conflicting laws; and for other purposes.

- HB 1241. By Representatives Martin of the 47th, Roberts of the 154th, Watson of the 91st, Fleming of the 117th, Coleman of the 97th and others:

A BILL to be entitled an Act to amend Part 14 of Article 6 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to certain programs and activities under the "Quality Basic Education Act," so as to provide that no high school which receives funding under the "Quality Basic Education Act" shall participate in or sponsor interscholastic sports events conducted by any athletic association unless the athletic association provides for certain eligibility conditions for student athletes; to provide a definition; to provide for related matters; to repeal conflicting laws; and for other purposes.

- HB 1343. By Representatives Hill of the 21st, Scheid of the 22nd, Byrd of the 20th and Murphy of the 23rd:

A BILL to be entitled an Act to authorize Cherokee County to exercise all redevelopment and other powers under Article IX, Section II, Paragraph VII of the Constitution and Chapter 44 of Title 36 of the O.C.G.A., the "Redevelopment Powers Law," as amended; to provide for a referendum; to provide effective dates; to provide for automatic repeal under certain circumstances; to repeal conflicting laws; and for other purposes.

- HB 1344. By Representatives Tumlin of the 38th, Setzler of the 35th, Johnson of the 37th, Manning of the 32nd, Golick of the 34th and others:

A BILL to be entitled an Act to provide for legislative declarations with respect to all local homestead exemptions for all taxing jurisdictions consisting of or located in Cobb County; to repeal conflicting laws; and for other purposes.

- HB 1345. By Representatives Manning of the 32nd, Tumlin of the 38th, Ehrhart of the 36th and Setzler of the 35th:

A BILL to be entitled an Act to amend an Act creating a new charter for the City of Kennesaw, approved April 10, 1971 (Ga. L. 1971, p. 3620), as amended, so as to change the provision relating to the term or duration of franchise agreements; to repeal conflicting laws; and for other purposes.

- HB 1346. By Representatives Manning of the 32nd, Ehrhart of the 36th, Tumlin of the 38th, Johnson of the 37th and Setzler of the 35th:

A BILL to be entitled an Act to amend an Act creating a new charter for the City of Kennesaw, approved April 10, 1971 (Ga. L. 1971, p. 3620), as amended, so as to change the charter provision relating to what shall constitute a quorum; to repeal conflicting laws; and for other purposes.

- HB 1347. By Representatives Manning of the 32nd, Tumlin of the 38th, Ehrhart of the 36th, Johnson of the 37th and Setzler of the 35th:

A BILL to be entitled an Act to amend an Act creating a new charter for the City of Kennesaw, approved April 10, 1971 (Ga. L. 1971, p. 3620), as amended, so as to change the provisions relating to the corporate limits of the city; to repeal conflicting laws; and for other purposes.

HB 1350. By Representative Smith of the 113th:

A BILL to be entitled an Act to amend an Act creating the Board of Commissioners of Oconee County, approved April 18, 1917 (Ga. L. 1917, p. 384), as amended, particularly by an Act approved April 17, 1975 (Ga. L. 1975, p. 3105), so as to provide for terms for the members of the board of commissioners of Oconee County; to provide for elections; to provide for a referendum; to provide for an effective date; to repeal conflicting laws; and for other purposes.

HB 1351. By Representatives Dickson of the 6th and Meadows of the 5th:

A BILL to be entitled an Act to provide a homestead exemption from Murray County school district ad valorem taxes for educational purposes in the amount of \$80,000.00 of the assessed value of the homestead for residents of that school district who are at least 70 years of age; to provide for definitions; to specify the terms and conditions of the exemption and the procedures relating thereto; to provide for applicability; to provide for a referendum, effective dates, and automatic repeal; to repeal conflicting laws; and for other purposes.

HB 1354. By Representatives Forster of the 3rd, Dickson of the 6th and Neal of the 1st:

A BILL to be entitled an Act to amend an Act creating the office of tax commissioner of Catoosa County, approved February 10, 1937 (Ga. L. 1937, p. 1267), as amended, particularly by an Act approved April 16, 1999 (Ga. L. 1999, p. 4236), so as to increase the clerical allowance for the tax commissioner; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

The House insists on its position in disagreeing to the Senate amendment, and has appointed a Committee of Conference to confer with a like committee on the part of the Senate on the following Bill of the House:

HB 246. By Representatives Graves of the 137th, Stephens of the 164th, Carter of the 159th, Burmeister of the 119th, Parham of the 141st and others:

A BILL to be entitled an Act to amend Code Section 26-4-80 of the Official Code of Georgia Annotated, relating to dispensing prescription drugs, electronically transmitting drug orders, refills, and Schedule II controlled substance prescriptions, so as to change certain provisions

relating to the electronic transmission of prescription drug orders; to provide for related matters; to repeal conflicting laws; and for other purposes.

The Speaker has appointed on the part of the House, Representatives Graves of the 137th, Parrish of the 156th, Stephens of the 164th.

The following Senate legislation was introduced, read the first time and referred to committee:

SB 581. By Senators Mullis of the 53rd, Tolleson of the 20th, Carter of the 13th, Thomas of the 54th, Hamrick of the 30th and others:

A BILL to be entitled an Act to amend Chapter 5 of Title 35 of the Official Code of Georgia Annotated, relating to the Georgia Public Safety Training Center, so as to authorize the training center to provide training for emergency medical personnel; to change certain provisions relating to the Georgia Public Safety Training Center; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

Referred to the Public Safety and Homeland Security Committee.

SB 582. By Senators Pearson of the 51st, Cagle of the 49th, Schaefer of the 50th, Rogers of the 21st and Douglas of the 17th:

A BILL to be entitled an Act to amend Part 2 of Article 2 of Chapter 3 of Title 20 of the Official Code of Georgia Annotated, relating to the University System of Georgia, so as to provide that students who have completed a home study program who apply for admission to member institutions of the University System of Georgia as an undergraduate student and who meet certain criteria shall be considered for admission under the same basis; to authorize the board of regents to promulgate rules and regulations regarding such admissions; to provide for related matters; to provide an effective date; to provide for applicability; to repeal conflicting laws; and for other purposes.

Referred to the Higher Education Committee.

SB 583. By Senators Hamrick of the 30th and Shafer of the 48th:

A BILL to be entitled an Act to amend Article 1 of Chapter 8 of Title 17 of the Official Code of Georgia Annotated, relating to general provisions for criminal trials, so as to provide a method for the waiver of the right to trial by jury in a

criminal case; to provide for related matters; to provide for applicability and an effective date; to repeal conflicting laws; and for other purposes.

Referred to the Judiciary Committee.

SR 954. By Senators Hamrick of the 30th and Smith of the 52nd:

A RESOLUTION ratifying the initial minimum standard promulgated by the Georgia Public Defender Standards Council, hereinafter referred to as the "Standards Council," entitled "State of Georgia Performance Standards for Criminal Defense Representation in Indigent Criminal Cases," hereinafter referred to as the "Performance Standard"; to provide for an effective date; and for other purposes.

Referred to the Judiciary Committee.

SR 955. By Senators Hamrick of the 30th and Smith of the 52nd:

A RESOLUTION ratifying the initial minimum standard promulgated by the Georgia Public Defender Standards Council, hereinafter referred to as the "Standards Council," entitled "State of Georgia Performance Standards for Juvenile Defense Representation in Indigent Delinquency and Unruly Cases," hereinafter referred to as the "Performance Standard in Juvenile Court"; to provide for an effective date; and for other purposes.

Referred to the Judiciary Committee.

SR 961. By Senator Schaefer of the 50th:

A RESOLUTION urging the United States Congress to enact S. 520 and H.R. 1070; and for other purposes.

Referred to the Rules Committee.

The following House legislation was read the first time and referred to committee:

HB 535. By Representatives Cox of the 102nd, Rice of the 51st and Ralston of the 7th:

A BILL to be entitled an Act to amend Chapter 21A of Title 15 of the Official Code of Georgia Annotated, relating to judicial accounting, so as to remove the penalties for failure to remit funds; to provide for related matters; to provide

for an effective date and applicability; to repeal conflicting laws; and for other purposes.

Referred to the Special Judiciary Committee.

HB 832. By Representatives McCall of the 30th and Hudson of the 124th:

A BILL to be entitled an Act to amend Code Section 43-34-103 of the Official Code of Georgia Annotated, relating to approval of physician's assistants, so as to provide for actions of such assistants with regard to professional samples; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Health and Human Services Committee.

HB 983. By Representatives Chambers of the 81st, Ehrhart of the 36th, Willard of the 49th and Forster of the 3rd:

A BILL to be entitled an Act to amend Part 1 of Article 8 of Chapter 1 of Title 10 of the Official Code of Georgia Annotated, relating to sale of petroleum products, so as to prohibit certain acts relating to gasoline containing methyl tertiary-butyl ether; to repeal conflicting laws; and for other purposes.

Referred to the Agriculture and Consumer Affairs Committee.

HB 1055. By Representatives Keown of the 173rd, Freeman of the 140th, Hill of the 21st, Setzler of the 35th, Black of the 174th and others:

A BILL to be entitled an Act to amend Title 20 of the Official Code of Georgia Annotated, relating to education, so as to provide for a short title; to provide for the adoption and implementation of Internet safety policies in public schools; to provide for the adoption and implementation of Internet safety policies in public libraries; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Science and Technology Committee.

HB 1236. By Representatives Wilkinson of the 52nd and Forster of the 3rd:

A BILL to be entitled an Act to amend Code Section 48-5-444 of the Official Code of Georgia Annotated, relating to place of return of motor vehicles and mobile homes, so as to provide for the registration of certain motor vehicles in

the county where such vehicles are functionally located; to provide for a definition; to provide for related matters; to repeal conflicting laws; and for other purposes.

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Referred to the Education and Youth Committee.

HB 1343. By Representatives Hill of the 21st, Scheid of the 22nd, Byrd of the 20th and Murphy of the 23rd:

A BILL to be entitled an Act to authorize Cherokee County to exercise all redevelopment and other powers under Article IX, Section II, Paragraph VII of the Constitution and Chapter 44 of Title 36 of the O.C.G.A., the "Redevelopment Powers Law," as amended; to provide for a referendum; to provide effective dates; to provide for automatic repeal under certain circumstances; to repeal conflicting laws; and for other purposes.

Referred to the State and Local Governmental Operations Committee.

HB 1344. By Representatives Tumlin of the 38th, Setzler of the 35th, Johnson of the 37th, Manning of the 32nd, Golick of the 34th and others:

A BILL to be entitled an Act to provide for legislative declarations with respect to all local homestead exemptions for all taxing jurisdictions consisting of or located in Cobb County; to repeal conflicting laws; and for other purposes.

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HB 1345. By Representatives Manning of the 32nd, Tumlin of the 38th, Ehrhart of the 36th and Setzler of the 35th:

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Referred to the State and Local Governmental Operations Committee.

HB 1346. By Representatives Manning of the 32nd, Ehrhart of the 36th, Tumlin of the 38th, Johnson of the 37th and Setzler of the 35th:

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Referred to the State and Local Governmental Operations Committee.

HB 1347. By Representatives Manning of the 32nd, Tumlin of the 38th, Ehrhart of the 36th, Johnson of the 37th and Setzler of the 35th:

A BILL to be entitled an Act to amend an Act creating a new charter for the City of Kennesaw, approved April 10, 1971 (Ga. L. 1971, p. 3620), as amended, so as to change the provisions relating to the corporate limits of the city; to repeal conflicting laws; and for other purposes.

Referred to the State and Local Governmental Operations Committee.

HB 1350. By Representative Smith of the 113th:

A BILL to be entitled an Act to amend an Act creating the Board of Commissioners of Oconee County, approved April 18, 1917 (Ga. L. 1917, p. 384), as amended, particularly by an Act approved April 17, 1975 (Ga. L. 1975, p. 3105), so as to provide for terms for the members of the board of commissioners of Oconee County; to provide for elections; to provide for a referendum; to provide for an effective date; to repeal conflicting laws; and for other purposes.

Referred to the State and Local Governmental Operations Committee.

HB 1351. By Representatives Dickson of the 6th and Meadows of the 5th:

A BILL to be entitled an Act to provide a homestead exemption from Murray County school district ad valorem taxes for educational purposes in the amount of \$80,000.00 of the assessed value of the homestead for residents of that school district who are at least 70 years of age; to provide for definitions; to specify the terms and conditions of the exemption and the procedures relating thereto; to provide for applicability; to provide for a referendum, effective dates, and automatic repeal; to repeal conflicting laws; and for other purposes.

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A BILL to be entitled an Act to amend an Act creating the office of tax commissioner of Catoosa County, approved February 10, 1937 (Ga. L. 1937, p. 1267), as amended, particularly by an Act approved April 16, 1999 (Ga. L. 1999, p. 4236), so as to increase the clerical allowance for the tax commissioner; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

Referred to the State and Local Governmental Operations Committee.

The following committee reports were read by the Secretary:

Mr. President:

The Education and Youth Committee has had under consideration the following legislation and has instructed me to report the same back to the Senate with the following recommendation:

SB 413      Do Pass by substitute  
SB 515      Do Pass by substitute

Respectfully submitted,  
Senator Moody of the 56th District, Chairman

Mr. President:

The Public Safety and Homeland Security Committee has had under consideration the following legislation and has instructed me to report the same back to the Senate with the following recommendation:

SB 532      Do Pass by substitute

Respectfully submitted,  
Senator Kemp of the 46th District, Chairman

Mr. President:

The Rules Committee has had under consideration the following legislation and has instructed me to report the same back to the Senate with the following recommendation:

Pursuant to Senate Rule 2-1.10(b) the Senate Rules Committee ordered the following legislation withdrawn from the Senate General Calendar and recommitted:

SB 64.    By Senator Douglas of the 17th:

A BILL to be entitled an Act to amend Code Section 40-1-7 of the Official Code of Georgia Annotated, relating to the requirement that officers enforcing traffic laws have a blue light on the roof of their vehicles, so as to repeal the requirement that officers enforcing traffic laws have a blue light on the roof of their vehicles; to provide an effective date; to repeal conflicting laws; and for other purposes.

Ordered committed to the Rules Committee.

SB 500.    By Senators Stephens of the 27th, Wiles of the 37th, Staton of the 18th and Hill of the 32nd:

A BILL to be entitled an Act to provide a short title; to amend Part 5 of Article 9 of Chapter 2 of Title 21 of the Official Code of Georgia Annotated, relating to electronic recording voting systems, so as to require all electronic recording voting systems to produce a permanent paper record of the votes recorded on such systems for each voter; to provide that voters have an opportunity to verify such record after voting; to provide for certain storage devices for such systems; to provide that such paper records be retained for use in recounts and election challenge proceedings; to provide for procedures for voting on electronic recording voting systems; to provide for a pilot program during the 2006 November general election and any runoff therefrom in certain counties;

to provide for related matters; to provide for effective dates; to repeal conflicting laws; and for other purposes.

Ordered recommitted to the State and Local Governmental Operations (General) Committee.

Respectfully Submitted,  
Senator Hamrick of the 30th District, Vice-Chairman

Mr. President:

The Science and Technology Committee has had under consideration the following legislation and has instructed me to report the same back to the Senate with the following recommendation:

SB 395      Do Pass by substitute

Respectfully submitted,  
Senator Shafer of the 48th District, Chairman

The following legislation was read the second time:

HB 400	HB 1032	SB 412	SB 434	SB 472	SB 547
HB 989	SB 229	SB 415	SB 454	SB 481	SR 818
HB 1020					

Senator Meyer von Bremen of the 12th asked unanimous consent that Senator Thompson of the 33rd be excused. The consent was granted, and Senator Thompson was excused.

Senator Seay of the 34th asked unanimous consent that Senator Miles of the 43rd be excused. The consent was granted, and Senator Miles was excused.

Senator Chance of the 16th asked unanimous consent that Senator Seabaugh of the 28th be excused. The consent was granted, and Senator Seabaugh was excused.

Senator Pearson of the 51st asked unanimous consent that Senator Cagle of the 49th be excused. The consent was granted, and Senator Cagle was excused.

Senator Bulloch of the 11th asked unanimous consent that Senator Tolleson of the 20th be excused. The consent was granted, and Senator Tolleson was excused.

The roll was called and the following Senators answered to their names:

Adelman	Henson	Shafer,D
Balfour	Hill,Jack	Smith
Brown	Hill,Judson	Starr
Bulloch	Hooks	Staton
Butler	Hudgens	Stephens
Carter	Johnson	Stoner
Chance	Jones	Tarver
Chapman	Kemp	Tate
Douglas	Me V Bremen	Thomas,D
Fort	Moody	Thompson,C
Goggans	Mullis	Unterman
Golden	Pearson	Weber
Grant	Powell	Whitehead
Hamrick	Reed	Wiles
Harbison	Rogers	Williams
Harp	Schaefer	Zamarripa
Heath	Seay	

Not answering were Senators:

Cagle (Excused)	Miles (Excused)	Seabaugh (Excused)
Thomas, R	Thompson, S (Excused)	Tolleson (Excused)

The members pledged allegiance to the flag.

Senator Whitehead of the 24th introduced the chaplain of the day, Coach Mark Richt of Athens, Georgia, who offered scripture reading and prayer.

Pursuant to Senate Rule 8-1.8, Senator Johnson of the 1st moved to change the Order of Business to allow for consideration of SR 639 and SR 864 on today's Senate Rules Calendar.

There were no objections and the Order of Business was changed.

SENATE RULES CALENDAR  
WEDNESDAY, FEBRUARY 22, 2006  
TWENTY-SECOND LEGISLATIVE DAY

SR 639      SGT Mike Stokely Memorial Highway; dedicate (PF) (TRANS-28th)

SR 864      SGT Mike Stokely Memorial Highway; dedicating (TRANS-17th)

- SB 288 Grade Integrity Act; teacher not required to change grade; ethical violation (Substitute)(ED&Y-21st)
- SB 406 Life Settlements; revise definitions; provide additional grounds to renew the license of insurance producers; editorial revisions (Substitute)(I&L-47th)
- SB 424 Compulsory Attendance; students' parent in military; granted excused absences to visit parent prior to deployment (Substitute)(ED&Y-16th)
- SB 462 Sheriffs; authority of courthouse security; remove courthouses/jails from list of properties protected (PS&HS-13th)
- SB 474 Student Health and Fitness Act; establish health advisory councils; require local boards of education to adopt school health program (Substitute)(ED&Y-13th)
- SB 485 Rules of Road; persons convicted of speeding violations; display habitual speeder bumper sticker; condition of probation (Amendment)(PS&HS-50th)
- SB 486 Employment Security Law; exempt direct sellers from definition of employment (I&L-9th)
- SB 489 Drivers' Licenses; require certain specified new drivers to display a new driver bumper decal (Amendment)(PS&HS-9th)
- SB 502 Motor Vehicles; operating while under the influence; comprehensive revision; modernization; reform laws of state (Substitute)(PS&HS-30th)
- SB 525 Tax Executions; change provisions regarding issuance; definition; procedures (FIN-19th)
- SB 545 Bingo Games; nonprofit, tax-exempt organization; provide definition (ECD-53rd)
- SB 244 Magistrates Retirement Fund; define terms; create board of commissioners; powers (Substitute)(RET-47th)
- HB 978 Capitol Art Standards Commission; create (Amendment) (RULES-14th) Hill-21st

Respectfully submitted,

/s/ Hamrick of the 30th, Vice-Chairman  
Senate Rules Committee

Senator Douglas of the 17th asked unanimous consent that Senator Chance of the 16th be excused. The consent was granted, and Senator Chance was excused.

Senator Douglas of the 17th asked unanimous consent that Senator Staton of the 18th be excused. The consent was granted, and Senator Staton was excused.

The following legislation was read the third time and put upon its passage:

SR 639. By Senator Seabaugh of the 28th:

A RESOLUTION dedicating the SGT Mike Stokely Memorial Highway; and for other purposes.

The report of the committee, which was favorable to the adoption of the resolution, was agreed to.

On the adoption of the resolution, a roll call was taken, and the vote was as follows:

Y Adelman	Y Hill,Jack	Y Smith
Y Balfour	Y Hill,Judson	Y Starr
Y Brown	Y Hooks	E Staton
Y Bulloch	Y Hudgens	Y Stephens
Y Butler	Y Johnson	Y Stoner
E Cagle	Y Jones	Y Tarver
Y Carter	Y Kemp	Y Tate
E Chance	Me V Bremen	Y Thomas,D
Y Chapman	Y Miles	Y Thomas,R
Y Douglas	Y Moody	Y Thompson,C
Fort	Y Mullis	Y Thompson,S
Y Goggans	Pearson	E Tolleson
Y Golden	Y Powell	Unterman
Grant	Y Reed	Y Weber
Y Hamrick	Y Rogers	Y Whitehead
Y Harbison	Y Schaefer	Y Wiles
Y Harp	Y Seabaugh	Y Williams
Y Heath	Seay	Y Zamarripa
Henson	Y Shafer,D	

On the adoption of the resolution, the yeas were 45, nays 0.

SR 639, having received the requisite constitutional majority, was adopted.

The following communication was received by the Secretary:

Senator Chip Pearson  
District 51  
321-B Coverdell Legislative Office Building  
Atlanta, GA 30334

**Committees:**

Transportation  
Agriculture and Consumer Affairs  
Appropriations  
Regulated Industries and Utilities

The State Senate  
Atlanta, Georgia 30334

2/22/06

Mr. Bob Ewing  
Secretary of the Senate

In voting on SR 639 I pushed the wrong button. I meant to vote Yes (Green).

/s/ Chip Pearson

Senator Thompson of the 5th asked unanimous consent that Senator Stoner of the 6th be excused. The consent was granted, and Senator Stoner was excused.

SR 864. By Senators Douglas of the 17th and Hudgens of the 47th:

A RESOLUTION dedicating the SGT Mike Stokely Memorial Highway; and  
for other purposes.

The report of the committee, which was favorable to the adoption of the resolution, was agreed to.

On the adoption of the resolution, a roll call was taken, and the vote was as follows:

Y Adelman  
Y Balfour  
Y Brown  
Y Bulloch  
Y Butler  
E Cagle

Y Hill,Jack  
Y Hill,Judson  
Y Hooks  
Y Hudgens  
Y Johnson  
Y Jones

Y Smith  
Starr  
Y Staton  
Y Stephens  
E Stoner  
Y Tarver



Y Carter	Y Kemp	Y Tate
Y Chance	Me V Bremen	Y Thomas,D
Y Chapman	Y Miles	Y Thomas,R
Y Douglas	Y Moody	Y Thompson,C
Y Fort	Y Mullis	Y Thompson,S
Y Goggans	Y Pearson	Y Tolleson
Y Golden	Y Powell	Unterman
Y Grant	Y Reed	Y Weber
Y Hamrick	Y Rogers	Whitehead
Y Harbison	Y Schaefer	Y Wiles
Y Harp	Y Seabaugh	Y Williams
Y Heath	Y Seay	Y Zamarripa
Y Henson	Y Shafer,D	

On the adoption of the resolution, the yeas were 50, nays 0.

SR 864, having received the requisite constitutional majority, was adopted.

Senator Douglas of the 17th recognized representatives of the Georgia National Guard, commended by SR 857, adopted previously. General Poythress addressed the Senate briefly.

Senator Hill of the 4th recognized the family of Brigadier General Terrell T. Reddick, commended by SR 943, adopted previously.

Senator Chapman of the 3rd introduced the doctor of the day Dr. Harold Kent.

Senator Golden of the 8th recognized the Lowndes High School Viking Football Team and Georgia Bridgemen Band, commended by SR 819 and SR 820, adopted previously.

Senator Golden of the 8th recognized Police Chief of Valdosta, Georgia, C. Frank Simons, commended by SR 662, adopted previously.

Senator Mullis of the 53rd asked unanimous consent that the following bill be withdrawn from the Senate Judiciary Committee and committed to the Senate Public Safety and Homeland Security Committee:

SB 301. By Senator Mullis of the 53rd:

A BILL to be entitled an Act to amend Chapter 21 of Title 15 of the Official Code of Georgia Annotated, relating to payment and disposition of fines and forfeitures, so as to provide for a technology fee to be collected in certain courts; to provide for the uses of said technology fee; to provide for technology

boards in each judicial circuit; to provide an effective date; to provide for a repealer; to provide for related matters; to repeal conflicting laws; and for other purposes.

The consent was granted, and SB 301 was committed to the Senate Public Safety and Homeland Security Committee.

Senator Douglas of the 17th asked unanimous consent that the following bill be withdrawn from the Senate Public Safety and Homeland Security Committee and committed to the Senate Veterans and Military Affairs Committee:

SB 402. By Senators Jones of the 10th, Douglas of the 17th, Hill of the 4th, Adelman of the 42nd, Meyer von Bremen of the 12th and others:

A BILL to be entitled an Act to amend Article 3 of Chapter 2 of Title 40 of the Official Code of Georgia Annotated, relating to special license plates for certain persons and vehicles, so as to create a free distinctive license plate for recipients of the Bronze Star; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

The consent was granted, and SB 402 was committed to the Senate Veterans and Military Affairs Committee.

The following resolutions were read and adopted:

SR 948. By Senator Adelman of the 42nd:

A RESOLUTION commending Mrs. Isabella Blakes Copridge; and for other purposes

SR 949. By Senator Adelman of the 42nd:

A RESOLUTION recognizing and commending YouthBuild USA, a national, nonprofit organization benefiting low-income youth; and for other purposes

SR 950. By Senator Whitehead, Sr. of the 24th:

A RESOLUTION commending James E. Waldron III on becoming an Eagle Scout; and for other purposes.

SR 951. By Senator Unterman of the 45th:

A RESOLUTION honoring and remembering Martha Talbot Eaves; and for other purposes.

SR 952. By Senator Unterman of the 45th:

A RESOLUTION acknowledging the contributions of senior Georgians and establishing the week of February 27 through March 3, 2006, as Senior Week at the Capitol; and for other purposes.

SR 953. By Senator Unterman of the 45th:

A RESOLUTION commending Reverend Larry Wynn; and for other purposes.

SR 956. By Senator Tarver of the 22nd:

A RESOLUTION commending the Augusta State University Gospel Ensemble; and for other purposes.

SR 957. By Senators Kemp of the 46th and Hudgens of the 47th:

A RESOLUTION commending Mr. Henry M. Huckaby on his public service and congratulating him on the occasion of his retirement; and for other purposes.

SR 958. By Senators Douglas of the 17th and Jones of the 10th:

A RESOLUTION congratulating the Henry County High School wrestling team on winning the 4AAAA State Dual Championship; and for other purposes.

SR 959. By Senators Wiles of the 37th, Hill of the 32nd, Stoner of the 6th, Thompson of the 33rd and Rogers of the 21st:

A RESOLUTION remembering and honoring the life of Mrs. Linda Church; and for other purposes.

SR 960. By Senator Hill of the 4th:

A RESOLUTION remembering and honoring the life of Mr. Willard Overton Hagin; and for other purposes.

The Calendar was resumed.

The following legislation was read the third time and put upon its passage:

SB 288. By Senators Rogers of the 21st, Hamrick of the 30th and Hill of the 32nd:

A BILL to be entitled an Act to amend Article 17 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to teachers and other school personnel, so as to enact the "Grade Integrity Act of 2005"; to provide that no classroom teacher shall be required, coerced, intimidated, or disciplined in any manner to change the grade of a student; to provide for an ethical violation reportable to the Professional Standards Commission; to provide for related matters; to repeal conflicting laws; and for other purposes.

The Senate Education and Youth Committee offered the following substitute to SB 288:

A BILL TO BE ENTITLED  
AN ACT

To amend Article 17 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to teachers and other school personnel, so as to enact the "Grade Integrity Act of 2006"; to provide that no classroom teacher shall be required, coerced, intimidated, or disciplined in any manner to change the grade of a student; to provide for an ethical violation reportable to the Professional Standards Commission; to provide for construction; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

**SECTION 1.**

This Act shall be known and may be cited as the "Grade Integrity Act of 2006."

**SECTION 2.**

Article 17 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to teachers and other school personnel, is amended by inserting at the end thereof a new Part 12 to read as follows:

"Part 12

20-2-989.20.

(a) No classroom teacher shall be required, coerced, intimidated, or disciplined in any manner by the local board of education, superintendent, or any local school administrator to change the grade of a student. A violation of this Code section shall constitute an ethics violation reportable to the Professional Standards Commission pursuant to Part 10 of this article.

(b) Nothing in this Code section shall be construed to prevent a principal or other local school administrator from discussing the grade of a student with a classroom teacher.

(c) Nothing in this Code section shall be construed to prevent a central office administrator, superintendent, or local school administrator from changing a student's grade. Any grade change made by a person other than the classroom teacher must be clearly indicated in the student's school records and must indicate the person responsible for making such grade change."

### SECTION 3.

All laws and parts of laws in conflict with this Act are repealed.

Senator Thompson of the 33rd offered the following amendment:

Amend the Senate Education and Youth committee substitute to SB 288 by adding a new subsection (d) to read as follows:

No classroom teacher may be dismissed due to a disagreement or dispute that stems from actions listed in the aforementioned sections of this Act.

On the adoption of the amendment, the yeas were 37, nays 0, and the Thompson of the 33rd amendment was adopted.

On the adoption of the substitute, the yeas were 38, nays 0, and the committee substitute was adopted as amended.

The report of the committee, which was favorable to the passage of the bill by substitute, was agreed to as amended.

On the passage of the bill, a roll call was taken, and the vote was as follows:

Y Adelman	Y Hill,Jack	Y Smith
Balfour	Y Hill,Judson	Y Starr
Y Brown	Y Hooks	Y Staton
Y Bulloch	Y Hudgens	Y Stephens
Y Butler	Y Johnson	E Stoner
E Cagle	Y Jones	Y Tarver
Y Carter	Y Kemp	Y Tate
Y Chance	Y Me V Bremen	Y Thomas,D
Y Chapman	Y Miles	Y Thomas,R
Y Douglas	Y Moody	Y Thompson,C
Y Fort	Y Mullis	Y Thompson,S
Y Goggans	Y Pearson	Y Tolleson
Golden	Powell	Y Unterman
Y Grant	Y Reed	Y Weber

Y Hamrick  
Harbison  
Y Harp  
Y Heath  
Y Henson

Y Rogers  
Y Schaefer  
Y Seabaugh  
Y Seay  
Y Shafer,D

Y Whitehead  
Y Wiles  
Y Williams  
Y Zamarripa

On the passage of the bill, the yeas were 50, nays 0.

SB 288, having received the requisite constitutional majority, was passed by substitute.

SB 406. By Senators Hudgens of the 47th, Seabaugh of the 28th, Harp of the 29th, Shafer of the 48th and Moody of the 56th:

A BILL to be entitled an Act to amend Chapter 59 of Title 33 of the Official Code of Georgia Annotated, relating to life settlements, so as to revise certain definitions; to provide additional grounds for the suspension, revocation, or refusal to renew the license of life insurance producers; to make editorial revisions; to provide for related matters; to repeal conflicting laws; and for other purposes.

The Senate Insurance and Labor Committee offered the following substitute to SB 406:

A BILL TO BE ENTITLED  
AN ACT

To amend Chapter 59 of Title 33 of the Official Code of Georgia Annotated, relating to life settlements, so as to revise certain definitions; to provide additional grounds for the suspension, revocation, or refusal to renew the license of life insurance producers; to make editorial revisions; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

**SECTION 1.**

Chapter 59 of Title 33 of the Official Code of Georgia Annotated, relating to life settlements, is amended by striking paragraphs (5), (8), and (13) and inserting in lieu thereof new paragraphs (5), (8), and (13) to read as follows:

"(5) 'Fraudulent life settlement act' includes:

(A) Acts or omissions committed by a person who, knowingly or with intent to defraud, for the purpose of depriving another of property or for pecuniary gain, commits, engages, or permits its employees or its agents to engage, in acts including:

(i) Presenting, causing to be presented, or preparing with knowledge or belief that it will be presented to or by a life settlement provider, financing entity, insurer,

insurance producer, or another person, false material information, or concealing material information, as part of, in support of, or concerning a fact material to one or more of the following:

- (I) An application for the issuance of a life settlement contract or policy;
- (II) The underwriting of a life settlement contract or policy;
- (III) A claim for payment or benefit pursuant to a life settlement contract or policy;
- (IV) Premiums paid on a policy;
- (V) Payments and changes in ownership or beneficiary made in accordance with the terms of a life settlement contract or policy;
- (VI) The reinstatement or conversion of a policy;
- (VII) The ~~In the~~ solicitation, offer, effectuation, or sale of a life settlement contract or policy;
- (VIII) The issuance of written evidence of a life settlement contract or insurance; or
- (IX) A financing transaction; or
- (ii) Employing any device, scheme, or artifice to defraud related to purchased policies; ~~or~~
- (B) ~~In the furtherance of a fraud or to prevent the detection of a fraud a person commits or permits its employees or its agents to commit any of the following acts:~~ Any of the following acts when committed or permitted by any person or its employees or agents in the furtherance of a fraud or to prevent the detection of a fraud:
  - (i) Removing, concealing, altering, destroying, or sequestering ~~Remove, conceal, alter, destroy, or sequester~~ from the Commissioner the assets or records of a licensee or other person engaged in the business of life settlements;
  - (ii) Misrepresenting or concealing ~~Misrepresent or conceal~~ the financial condition of a licensee, financing entity, insurer, or other person;
  - (iii) Transacting ~~Transact~~ the business of life settlements in violation of laws requiring a license, certificate of authority, or other legal authority for the transaction of the business of life settlements; or
  - (iv) Filing ~~File~~ with the Commissioner or the chief insurance regulatory official of another jurisdiction a document containing false information or otherwise ~~conceal~~ concealing information about a material fact from the Commissioner;
- (C) Embezzlement, theft, misappropriation, or conversion of moneys, funds, premiums, credits, or other property of a life settlement provider, life insurance producer, insurer, insured, seller, policy owner, or another person engaged in the business of life settlements or insurance;
- (D) Recklessly entering into, negotiating, or otherwise dealing in a life settlement contract, the subject of which is a policy that was obtained by presenting false information concerning a fact material to the policy, or by concealing, for the purpose of misleading another, information concerning a fact material to the policy, where the seller or the seller's agent intended to defraud the insurance company that issued the

policy. As used in this subparagraph, 'recklessly' means engaging in the conduct in conscious and clearly unjustifiable disregard of a substantial likelihood of the existence of the relevant facts or risks, this disregard involving a gross deviation from acceptable standards of conduct; ~~or~~

(E) Facilitating the change of state of residency of a policy or seller to avoid the provisions of this chapter; or

(F) Attempting to commit, assist, aid, or abet in the commission of, or conspiracy to commit, the acts or omissions specified in this paragraph."

"(8) 'Life settlement provider' means a person, other than a seller, who in this state, from this state, or with a seller who is a resident of this state enters into or effectuates a life settlement contract. Life settlement provider does not include:

(A) A bank, savings bank, savings and loan association, credit union, or other licensed lending institution that takes an assignment of a policy as collateral for a loan;

(B) The issuer of a policy providing accelerated benefits pursuant to the policy;

(C) An authorized or eligible insurer that provides stop-loss coverage to a life settlement provider, financing entity, special purpose entity, or related provider trust;

(D) A natural person who enters into or effectuates no more than one agreement in a calendar year for the transfer of policies for any value less than the expected death benefit;

(E) A financing entity;

(F) A special purpose entity;

(G) A related provider trust; or

(H) An accredited investor or qualified institutional buyer as defined, respectively, in Regulation D, Rule 501, or Rule 144A of the Federal Securities Act of 1933, as amended, and who purchases a purchased policy from a life settlement provider."

"(13) 'Seller' means the owner of a policy ~~who is a resident of this state~~ who enters or seeks to enter into a life settlement contract. For the purposes of this chapter, a seller is not limited to an owner of a policy insuring the life of an individual with a terminal or chronic illness or condition except where specifically addressed. If there is more than one owner on a single policy and the owners are residents of different states, the transaction shall be governed by the law of the state in which the owner having the largest percentage ownership resides or, if the owners hold equal ownership, the state of residence of one owner agreed upon in writing by all owners. Seller does not include:

(A) A licensee as provided by this chapter, including a life insurance producer;

(B) A qualified institutional buyer as defined, respectively, in Regulation D, Rule 501, or Rule 144A of the Federal Securities Act of 1933, as amended;

(C) A financing entity;

(D) A special purpose entity; or

(E) A related provider trust."



**SECTION 2.**

Said chapter is further amended by striking subsection (b) of Code Section 33-59-4, relating to denial, revocation, suspension, or refusal of licensees, and inserting in lieu thereof a new subsection (b) to read as follows:

"(b) The Commissioner may suspend, revoke, or refuse to renew the license of a life insurance producer if the Commissioner finds that such life insurance producer has:

(1) ~~violated~~ Violated the provisions of this chapter; or

(2) Received a fee, commission, or other valuable consideration for his or her services with respect to life settlement transactions that involved unlicensed life settlement providers or persons who offered or attempted to negotiate on behalf of another person a life settlement contract and who were not life insurance producers."

**SECTION 3.**

All laws and parts of laws in conflict with this Act are repealed.

Senator Thompson of the 33rd moved that SB 406 be placed on the Table.

Senator Hudgens of the 47th objected.

Senator Hudgens of the 47th called for yeas and nays.

The call was not sustained and a recorded vote was not ordered.

On the motion to Table the yeas were 22, nays 21; the motion prevailed, and SB 406 was placed on the Table.

Senator Heath of the 31st asked unanimous consent that Senator Bulloch of the 11th be excused. The consent was granted, and Senator Bulloch was excused.

SB 424. By Senators Chance of the 16th, Douglas of the 17th, Moody of the 56th, Cagle of the 49th, Staton of the 18th and others:

A BILL to be entitled an Act to amend Subpart 2 of Part 1 of Article 16 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to compulsory attendance for students in elementary and secondary education, so as to provide that a student whose parent is in military service is granted excused absences from school to visit with his or her parent prior to deployment or while on leave; to provide for construction; to provide for related matters; to repeal conflicting laws; and for other purposes.

The Senate Education and Youth Committee offered the following substitute to SB 424:

**A BILL TO BE ENTITLED  
AN ACT**

To amend Subpart 2 of Part 1 of Article 16 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to compulsory attendance for students in elementary and secondary education, so as to provide that a student whose parent or legal guardian is in military service is granted excused absences from school to visit with his or her parent or legal guardian prior to deployment or while on leave; to provide for construction; to provide for related matters; to repeal conflicting laws; and for other purposes.

**BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

**SECTION 1.**

Subpart 2 of Part 1 of Article 16 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to compulsory attendance for students in elementary and secondary education, is amended by inserting after Code Section 20-2-692, relating to General Assembly pages granted excused absences, a new Code Section 20-2-692.1 to read as follows:

"20-2-692.1.

A student whose parent or legal guardian is in military service in the armed forces of the United States or the National Guard, and such parent or legal guardian has been called to duty for or is on leave from overseas deployment to a combat zone or combat support posting, shall be granted excused absences, up to a maximum of five school days per school year, for the day or days missed from school to visit with his or her parent or legal guardian prior to such parent's or legal guardian's deployment or during such parent's or legal guardian's leave. Nothing in this Code section shall be construed to require a local school system to revise any policies relating to maximum number of excused and unexcused absences for any purposes."

**SECTION 2.**

All laws and parts of laws in conflict with this Act are repealed.

On the adoption of the substitute, the yeas were 37, nays 0, and the committee substitute was adopted.

The report of the committee, which was favorable to the passage of the bill by substitute, was agreed to.

On the passage of the bill, a roll call was taken, and the vote was as follows:

Y Adelman	Y Hill,Jack	Y Smith
Y Balfour	Y Hill,Judson	Y Starr
Y Brown	Y Hooks	Y Staton
E Bulloch	Y Hudgens	Y Stephens
Y Butler	Y Johnson	E Stoner
E Cagle	Y Jones	Y Tarver
Y Carter	Y Kemp	Y Tate
Y Chance	Y Me V Bremen	Y Thomas,D
Y Chapman	Y Miles	Thomas,R
Y Douglas	Y Moody	Y Thompson,C
Fort	Y Mullis	Y Thompson,S
Goggans	Y Pearson	Y Tolleson
Y Golden	Powell	Y Unterman
Y Grant	Y Reed	Y Weber
Y Hamrick	Y Rogers	Y Whitehead
Y Harbison	Y Schaefer	Y Wiles
Y Harp	Y Seabaugh	Y Williams
Y Heath	Y Seay	Y Zamarripa
Y Henson	Y Shafer,D	

On the passage of the bill, the yeas were 49, nays 0.

SB 424, having received the requisite constitutional majority, was passed by substitute.

SB 462. By Senators Carter of the 13th, Kemp of the 46th, Hamrick of the 30th, Mullis of the 53rd and Miles of the 43rd:

A BILL to be entitled an Act to amend Article 1 of Chapter 16 of Title 15 of the Official Code of Georgia Annotated, relating to general provisions for sheriffs, so as to place courthouse security under the authority of the sheriff; to require a courthouse security plan which shall be subject to the approval of the chief superior court judge; to amend Chapter 9 of Title 36 of the Official Code of Georgia Annotated, relating to county property generally, so as to remove courthouses and jails from the list of properties protected; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

The report of the committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, a roll call was taken, and the vote was as follows:

Y Adelman	Y Hill,Jack	Y Smith
Y Balfour	Y Hill,Judson	Y Starr
Y Brown	Y Hooks	Y Staton
E Bulloch	Y Hudgens	Y Stephens
Y Butler	Y Johnson	E Stoner
E Cagle	Y Jones	Y Tarver
Y Carter	Y Kemp	Y Tate
Y Chance	N Me V Bremen	Y Thomas,D
Y Chapman	Y Miles	Y Thomas,R
Y Douglas	Y Moody	Y Thompson,C
Y Fort	Y Mullis	Y Thompson,S
Y Goggans	Y Pearson	Y Tolleson
Y Golden	Y Powell	Y Unterman
Y Grant	Y Reed	Y Weber
Y Hamrick	Y Rogers	Y Whitehead
Y Harbison	Y Schaefer	Y Wiles
Y Harp	Y Seabaugh	Y Williams
Y Heath	Y Seay	Y Zamarripa
Y Henson	Y Shafer,D	

On the passage of the bill, the yeas were 52, nays 1.

SB 462, having received the requisite constitutional majority, was passed.

Senator Jones of the 10th asked unanimous consent that Senator Golden of the 8th be excused. The consent was granted, and Senator Golden was excused.

Senator Rogers of the 21st asked unanimous consent that Senator Tolleson of the 20th be excused. The consent was granted, and Senator Tolleson was excused.

SB 474. By Senators Carter of the 13th, Thomas of the 54th, Moody of the 56th, Rogers of the 21st, Seay of the 34th and others:

A BILL to be entitled an Act to amend Chapter 2 of Title 20 of the O.C.G.A., relating to elementary and secondary education, so as to establish school health advisory councils to serve as advisory bodies to local boards of education on health, physical education, and nutrition policy; to provide for a short title; to provide certain requirements for physical education instruction for students in kindergarten and grades one through eight; to encourage a wide range of supplemental health, physical activity, and nutrition programs that may be provided on school property beyond the confines of the traditional school day; to require local boards of education to adopt and implement a coordinated school health program; to provide for a state office to promote student health

and physical fitness; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

The Senate Education and Youth Committee offered the following substitute to SB 474:

**A BILL TO BE ENTITLED  
AN ACT**

To amend Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to elementary and secondary education, so as to establish school health advisory councils to serve as advisory bodies to local boards of education on health, physical education, and nutrition policy; to provide for a short title; to provide certain requirements for physical education instruction for students in kindergarten and grades one through eight; to encourage a wide range of supplemental health, physical activity, and nutrition programs that may be provided on school property beyond the confines of the traditional school day; to require local boards of education to adopt and implement a coordinated school health program; to provide for a state office to promote student health and physical fitness; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

**BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

**SECTION 1.**

This Act shall be known and may be cited as the "Student Health and Fitness Act."

**SECTION 2.**

Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to elementary and secondary education, is amended in Article 4A, relating to community involvement in education, by adding a new Code section to the end of such article to read as follows:

"20-2-87.

(a) Each local board of education shall establish a local school health advisory council, consistent with the provisions of the federal Child Nutrition and WIC Reauthorization Act of 2004, P.L. 108-265, to serve as an advisory body on health, physical education, and nutrition policy issues to the local board of education. Each school health advisory council shall help plan, implement, and monitor the implementation of a health, physical education, and nutrition policy as part of the local school system's coordinated school health plan adopted pursuant to Code Section 20-2-324 and shall encourage a wide range of supplemental health, physical activity, and nutrition programs that may be provided on school property beyond the confines of the traditional school day.

(b) The members of the school health advisory council shall be appointed by the local board of education and shall be composed of community and school members representing the eight components of a coordinated school health program as described

in Code Section 20-2-324, representatives from the local health department, and school administrators."

### SECTION 3.

Said chapter is further amended in Code Section 20-2-142, relating to prescribed courses and the development and dissemination of instructional materials on the effects of alcohol, by striking subsection (c) and inserting in its place the following:

"(c) The State Board of Education shall establish standards for the professional learning or designation of teachers who provide instruction in physical education which shall ensure that all such teachers are adequately prepared and regularly participate in professional development activities to effectively deliver a physical education program under the supervision of certified physical education teachers. The State Board of Education shall prescribe a course of study in health and physical education for all grades and grade levels in the public schools and shall establish ~~minimum time requirements and~~ standards for its administration. The course of study for elementary school students shall require, at a minimum, 150 minutes of physical education instruction per week with a certified physical education teacher or a teacher under the supervision of a certified physical education teacher for students in kindergarten through grade five. For middle school students, each local board of education shall develop a proposed plan for delivering, at a minimum, 225 minutes of physical education instruction per week with a certified physical education teacher or a teacher under the supervision of a certified physical education teacher to students in grades six through eight. Each local school system shall submit such a plan to the Department of Education no later than December 31, 2006. The Department of Education shall submit a summary of such plans to the General Assembly no later than January 15, 2007. The Department of Education shall review such plans and shall develop and establish a required program of physical education instruction for middle school students in accordance with this subsection which shall be implemented beginning in the 2007-2008 school year. For the 2006-2007 school year, each local board of education is strongly encouraged to provide meaningful physical education instruction to students in grades six through eight. Every elementary school student shall be required to participate in physical education instruction, including students in alternative education programs; provided, however, that the course of study will be adapted for students with disabilities, chronic health problems, and other special needs. The physical education course for elementary school students and the plans developed and submitted by each local board of education for middle school students shall provide for physical exertion of at least moderate to vigorous intensity and for a duration sufficient to provide a significant health benefit to students. The physical education course shall provide an environment in which students learn, practice, and receive assessment on developmentally appropriate motor skills, social skills, and health and physical education knowledge. The course shall include a coordinated health and physical education program designed to prevent obesity, cardiovascular disease, and Type II diabetes. ~~The course shall include instruction concerning the impact of alcohol, tobacco, and drug use upon health.~~ A manual setting out the details and requirements

of such courses of study shall be prepared or approved by the State School Superintendent in cooperation with the Department of Human Resources, the state board, and such expert advisers as they may choose. The Department of Education is directed to assemble or develop instructional resources and materials concerning ~~alcohol and drug abuse~~ health and physical education instruction, taking into consideration technological enhancements available for utilization of such instructional resources."

#### SECTION 4.

Said chapter is further amended in Part 15 of Article 6, relating to miscellaneous provisions relative to the "Quality Basic Education Act," by adding new Code sections to the end of such part to read as follows:

"20-2-324.

(a) By July 1, 2006, each local board of education shall adopt and implement a coordinated school health program, prepared in collaboration with the school health advisory council, to address health issues in the local school system. The coordinated school health program shall include the components provided for in the model coordinated school health program provided by the State Board of Education pursuant to subsection (b) of this Code section.

(b) The State Board of Education shall develop a model coordinated school health program designed to address health issues which shall include coordination of the following components:

- (1) Safe and sanitary environment;
- (2) Physical education;
- (3) Health education;
- (4) Staff wellness;
- (5) Health services;
- (6) Mental and social well-being;
- (7) Nutrition; and
- (8) Parental and family involvement.

The state board shall notify and make available such program to every local board of education and shall provide technical assistance to local boards of education in implementing coordinated school health programs.

(c) No later than July 1, 2008, and every year thereafter, each local board of education shall prepare and submit to the State Board of Education an annual report on the implementation of the coordinated school health program. Such report shall also include the amount of instructional time spent on health and physical education in each grade and the amount of physical activity received by students in each school for the previous school year. Such report shall be made available to the General Assembly and to the public upon request.

(d) The state board shall develop an annual report and recognition program which is submitted to the Governor, General Assembly, and local school systems beginning January 1, 2007, and annually thereafter. Such report shall include the progress of local

school systems in implementing the Student Health and Fitness Act, acknowledgment of programs of excellence, and recommended strategies and resources necessary to improve the health and well-being of Georgia's school-aged children and youth.

20-2-325.

The State Board of Education shall establish an office to promote student health and physical fitness, which shall be staffed by certified physical education personnel, subject to available state, federal, or private funding. In addition to any other duties and functions assigned by the State Board of Education, such office shall specifically be charged with implementing the provisions of the Student Health and Fitness Act. The office shall be designated and acknowledged publicly to allow for ease of parent and public contact and information sharing. Through this office, the State Board of Education will be responsible for:

- (1) Providing a program of instruction that includes physical education academic content standards. Such standards shall include sequential, developmentally appropriate curricula that is designed, implemented, and evaluated to help students develop the knowledge, motor skills, self-management skills, attitudes, and confidence to adopt and maintain physical activity and healthy dietary behaviors throughout their lives;
- (2) Ensuring that physical education content provided by local boards of education shall comply with the standards established by the State Board of Education; and
- (3) Developing standards and methods for the assessment of individual student fitness overall school health on a regular basis, which shall occur at least biennially beginning in the 2007-2008 school year."

#### **SECTION 5.**

This Act shall become effective on July 1, 2006.

#### **SECTION 6.**

All laws and parts of laws in conflict with this Act are repealed.

Senators Kemp of the 46th and Thompson of the 33rd offered the following amendment:

*Amend the Senate Education and Youth Committee substitute to SB 474 by striking all matter on line 9 of page 1 and inserting in place thereof the following:*

provide for a state office to promote student health and physical fitness; to provide for school bus pickup schedules; to provide for related

*By inserting a new Section 4.1 to read as follows:*

#### **SECTION 4.1.**

Said chapter is further amended in Part 5 of Article 22 by striking Code Section 20-2-1127, relating to a schedule of school bus routes, in its entirety and inserting in place thereof the following:



"20-2-1127.

~~Each public school system in this state shall make accessible a schedule of school bus routes that indicate the morning pickup route beginning time and the afternoon school bell time as well as the total number of stops on each school bus route. The time for the bus arrival at each stop will be commensurate with the route beginning time and prescribed stop sequence, except in unforeseen circumstances. This provision shall not apply to portal to portal special needs student transportation or special alternative instructional transportation programs~~ Reserved."

Senator Henson of the 41st requested a ruling of the Chair as to the germaneness of the amendment.

The President ruled the amendment not germane.

On the adoption of the substitute, the yeas were 32, nays 0, and the committee substitute was adopted.

The report of the committee, which was favorable to the passage of the bill by substitute, was agreed to.

On the passage of the bill, a roll call was taken, and the vote was as follows:

Y Adelman	Y Hill,Jack	Y Smith
Y Balfour	Y Hill,Judson	Y Starr
Brown	Hooks	Y Staton
Y Bulloch	Y Hudgens	Y Stephens
Y Butler	N Johnson	E Stoner
E Cagle	Y Jones	Y Tarver
Y Carter	Y Kemp	Y Tate
Y Chance	Y Me V Bremen	Y Thomas,D
N Chapman	Y Miles	Thomas,R
N Douglas	Y Moody	Y Thompson,C
Y Fort	Y Mullis	N Thompson,S
Y Goggans	Y Pearson	E Tolleson
E Golden	Y Powell	Y Unterman
Y Grant	N Reed	Y Weber
Y Hamrick	Y Rogers	Y Whitehead
Y Harbison	Y Schaefer	Y Wiles
Y Harp	N Seabaugh	Y Williams
N Heath	Y Seay	Y Zamarripa
Y Henson	Y Shafer,D	

On the passage of the bill, the yeas were 42, nays 7.

SB 474, having received the requisite constitutional majority, was passed by substitute.

SB 485. By Senators Schaefer of the 50th, Balfour of the 9th and Douglas of the 17th:

A BILL to be entitled an Act to amend Article 1 of Chapter 6 of Title 40 of the Official Code of Georgia Annotated, relating to general provisions for the uniform rules of the road, so as to provide that certain persons convicted of speeding violations shall display a habitual speeder bumper sticker as a condition of his or her probation; to provide that a judge may suspend a driver's license of a person who violates the condition of probation; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

Senator Schaefer of the 50th asked unanimous consent to drop SB 485 to the foot of today's Senate Rules Calendar.

The consent was granted, and SB 485 was placed at the foot of the Rules Calendar.

The President introduced former Surgeon General David Satcher. David Satcher addressed the Senate briefly.

Senator Eric Johnson, President Pro Tempore, assumed the Chair.

Senator Grant of the 25th asked unanimous consent that Senator Harp of the 29th be excused. The consent was granted, and Senator Harp was excused.

Senator Goggans of the 7th asked unanimous consent that Senator Unterman of the 45th be excused. The consent was granted, and Senator Unterman was excused.

Senator Tate of the 38th asked unanimous consent that Senator Jones of the 10th be excused. The consent was granted, and Senator Jones was excused.

The Calendar was resumed.

SB 486. By Senators Balfour of the 9th, Schaefer of the 50th, Grant of the 25th, Shafer of the 48th and Douglas of the 17th:

A BILL to be entitled an Act to amend Code Section 34-8-35 of the Official Code of Georgia Annotated, relating to the definition of employment under the employment security law, so as to exempt direct sellers from the definition of

employment; to provide for related matters; to repeal conflicting laws; and for other purposes.

The report of the committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, a roll call was taken, and the vote was as follows:

Y Adelman	Y Hill,Jack	Y Smith
Y Balfour	Y Hill,Judson	Starr
Brown	Y Hooks	Y Staton
Y Bulloch	Y Hudgens	Y Stephens
Y Butler	Johnson (PRS)	E Stoner
E Cagle	E Jones	Y Tarver
Y Carter	Y Kemp	Y Tate
Y Chance	Y Me V Bremen	Y Thomas,D
Y Chapman	Y Miles	Thomas,R
Y Douglas	Y Moody	Y Thompson,C
Y Fort	Y Mullis	Y Thompson,S
Y Goggans	Y Pearson	Y Tolleson
E Golden	Y Powell	E Unterman
Y Grant	Y Reed	Y Weber
Y Hamrick	Y Rogers	Y Whitehead
Y Harbison	Y Schaefer	Y Wiles
E Harp	Y Seabaugh	Y Williams
Y Heath	Y Seay	Y Zamarripa
Henson	Y Shafer,D	

On the passage of the bill, the yeas were 45, nays 0.

SB 486, having received the requisite constitutional majority, was passed.

SB 489. By Senators Balfour of the 9th, Schaefer of the 50th and Douglas of the 17th:

A BILL to be entitled an Act to amend Article 2 of Chapter 5 of Title 40 of the Official Code of Georgia Annotated, relating to issuance, expiration, and renewal of drivers' licenses, so as to require certain specified new drivers to display a bumper decal which decal shall indicate that he or she is a new driver; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

Senator Balfour of the 9th asked unanimous consent to drop SB 489 to the foot of today's Senate Rules Calendar.

The consent was granted, and SB 489 was placed at the foot of the Rules Calendar.

SB 502. By Senators Hamrick of the 30th, Carter of the 13th, Smith of the 52nd, Hill of the 32nd and Wiles of the 37th:

A BILL to be entitled an Act to provide a comprehensive revision, modernization, and reform of the laws of this state relating to operating motor vehicles while under the influence of alcohol, drugs, or other substances; to amend Title 40 of the O.C.G.A., relating to motor vehicles and traffic, so as to provide legislative intent; to prohibit the operation of motor vehicles in this state while under the influence of alcohol, drugs, or other substances; to provide for implied consent to chemical testing; to provide definitions; to provide for chemical testing of persons suspected of driving under the influence of alcohol, drugs, or other substances; to provide for the procedures to obtain and perform such tests; to provide for the administration of certain warnings with regard to such tests; to provide an effective date; to repeal conflicting laws; and for other purposes.

Senator Hamrick of the 30th asked unanimous consent to drop SB 502 to the foot of today's Senate Rules Calendar.

The consent was granted, and SB 502 was placed at the foot of the Rules Calendar.

Senator Tarver of the 22nd asked unanimous consent that Senator Powell of the 23rd be excused. The consent was granted, and Senator Powell was excused.

Senator Reed of the 35th asked unanimous consent that Senator Seay of the 34th be excused. The consent was granted, and Senator Seay was excused.

Senator Miles of the 43rd asked unanimous consent that Senator Butler of the 55th be excused. The consent was granted, and Senator Butler was excused.

Senator Miles of the 43rd asked unanimous consent that Senator Brown of the 26th be excused. The consent was granted, and Senator Brown was excused.

Senator Bulloch of the 11th asked unanimous consent that Senator Meyer von Bremen of the 12th be excused. The consent was granted, and Senator Meyer von Bremen was excused.

SB 525. By Senator Williams of the 19th:

A BILL to be entitled an Act to amend Chapter 3 of Title 48 of the Official Code of Georgia Annotated, relating to tax executions, so as to change certain provisions regarding the issuance of tax executions by tax collectors and tax commissioners; to provide for a definition; to provide for procedures; to provide an effective date; to repeal conflicting laws; and for other purposes.

The report of the committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, a roll call was taken, and the vote was as follows:

Y Adelman	Y Hill,Jack	Y Smith
Y Balfour	Y Hill,Judson	Starr
E Brown	Y Hooks	Y Staton
Y Bulloch	Y Hudgens	Y Stephens
E Butler	Johnson (PRS)	E Stoner
E Cagle	E Jones	Y Tarver
Y Carter	Y Kemp	Tate
Y Chance	E Me V Bremen	Y Thomas,D
Y Chapman	Y Miles	Thomas,R
Y Douglas	Y Moody	Y Thompson,C
Y Fort	Y Mullis	Y Thompson,S
Y Goggans	Y Pearson	Y Tolleson
E Golden	E Powell	E Unterman
Y Grant	Y Reed	Y Weber
Y Hamrick	Y Rogers	Y Whitehead
Y Harbison	Schaefer	Y Wiles
E Harp	Y Seabaugh	Y Williams
Y Heath	Y Seay	Y Zamarripa
Henson	Y Shafer,D	

On the passage of the bill, the yeas were 40, nays 0.

SB 525, having received the requisite constitutional majority, was passed.

SB 545. By Senators Mullis of the 53rd, Thomas of the 54th, Douglas of the 17th, Balfour of the 9th, Heath of the 31st and others:

A BILL to be entitled an Act to amend Code Section 16-12-51 of the Official Code of Georgia Annotated, relating to definitions regarding bingo games, so

as to provide a definition of nonprofit, tax-exempt organization; to provide for related matters; to repeal conflicting laws; and for other purposes.

The report of the committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, a roll call was taken, and the vote was as follows:

Y Adelman	Y Hill,Jack	Y Smith
Y Balfour	Y Hill,Judson	Y Starr
E Brown	Y Hooks	Y Staton
Y Bulloch	Y Hudgens	Y Stephens
E Butler	Johnson (PRS)	E Stoner
E Cagle	E Jones	Y Tarver
Y Carter	Y Kemp	Y Tate
Y Chance	E Me V Bremen	Y Thomas,D
Y Chapman	Y Miles	Y Thomas,R
Y Douglas	Y Moody	Y Thompson,C
Y Fort	Y Mullis	Y Thompson,S
Y Goggans	Y Pearson	Y Tolleson
E Golden	E Powell	E Unterman
Y Grant	Y Reed	Y Weber
Y Hamrick	Y Rogers	Y Whitehead
Y Harbison	Y Schaefer	Y Wiles
E Harp	Y Seabaugh	Y Williams
N Heath	Y Seay	Y Zamarripa
Y Henson	Y Shafer,D	

On the passage of the bill, the yeas were 44, nays 1.

SB 545, having received the requisite constitutional majority, was passed.

The following bill was taken up to consider House action thereto:

HB 246. By Representatives Graves of the 137th, Stephens of the 164th, Carter of the 159th, Burmeister of the 119th, Parham of the 141st and others:

A BILL to be entitled an Act to amend Code Section 26-4-80 of the Official Code of Georgia Annotated, relating to dispensing prescription drugs, electronically transmitting drug orders, refills, and Schedule II controlled substance prescriptions, so as to change certain provisions relating to the

electronic transmission of prescription drug orders; to provide for related matters; to repeal conflicting laws; and for other purposes.

Senator Balfour of the 9th asked unanimous consent that the Senate adhere to its amendment to HB 246 and that a Conference Committee be appointed.

The consent was granted, and the President Pro Tempore appointed as a Conference Committee the following Senators: Balfour of the 9th, Schaefer of the 50th and Pearson of the 51st.

The Calendar was resumed.

SB 244. By Senators Hudgens of the 47th, Kemp of the 46th, Douglas of the 17th and Grant of the 25th:

A BILL to be entitled an Act to amend Title 47 of the O.C.G.A., relating to retirement and pensions, so as to create the Magistrates Retirement Fund; to define certain terms; to create a board of commissioners; to provide for appointment and terms of members of the board; to provide for the office of secretary-treasurer of the board; to provide for additional employees; to provide for a salary and fund membership; to provide for powers and duties of the board; to provide that the state auditor shall make annual audits of the fund; to provide conditions for eligibility for membership; to provide conditions for eligibility to receive a retirement benefit; to provide for a retirement benefit; to provide for benefits for surviving spouses; to provide conditions for an effective date and automatic repeal; to repeal conflicting laws; and for other purposes.

The Senate Retirement Committee offered the following substitute to SB 244:

A BILL TO BE ENTITLED  
AN ACT

To amend Title 47 of the Official Code of Georgia Annotated, relating to retirement and pensions, so as to create the Magistrates Retirement Fund; to define certain terms; to create a board of commissioners; to provide for appointment and terms of members of the board; to provide for the office of secretary-treasurer of the board; to provide for additional employees; to provide for a salary and fund membership; to provide for powers and duties of the board; to provide that the state auditor shall make annual audits of the fund; to provide conditions for eligibility for membership; to provide for dues; to provide for a fee assessed against a party against whom a judgment is entered in magistrate courts to be paid to the fund; to provide conditions for eligibility to receive a retirement benefit; to provide for a retirement benefit; to provide for benefits for

surviving spouses; to provide for a refund of dues; to provide for disability benefits; to provide for membership in other retirement plans; to provide for a reduction of benefits in the event of insufficient funds; to provide for nonassignability of benefits; to provide conditions for an effective date and automatic repeal; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

**SECTION 1.**

Title 47 of the Official Code of Georgia Annotated, relating to retirement and pensions, is amended by inserting at the end thereof the following:

**"CHAPTER 25**

**ARTICLE 1**

47-25-1.

As used in this chapter, the term:

- (1) 'Average final monthly compensation' means the average monthly earnable compensation of any employee during his or her highest 24 months of creditable service.
- (2) 'Board' means the Board of Commissioners of the Magistrates Retirement Fund of Georgia.
- (3) 'Full-time chief magistrate' means a chief magistrate who regularly exercises the powers of a magistrate as set forth in Code Section 15-10-2 at least 40 hours per workweek.
- (4) 'Fund' means the Magistrates Retirement Fund of Georgia.
- (5) 'Member' means a member of the Magistrates Retirement Fund of Georgia.
- (6) 'Secretary-treasurer' means the secretary-treasurer of the Board of Commissioners of the Magistrates Retirement Fund of Georgia.

**ARTICLE 2**

47-25-20.

(a) There is created the Board of Commissioners of the Magistrates Retirement Fund of Georgia. The board shall consist of seven members as follows:

- (1) The Governor or the Governor's designee;
- (2) An appointee of the Governor who is not the Attorney General; and
- (3) Five full-time chief magistrates who are members of the fund.

(b) The members of the board provided for by paragraph (3) of subsection (a) of this Code section shall be appointed by the Governor. The first such members shall be appointed by the Governor to take office on July 1, 2006, for initial terms as follows: one such member shall be appointed for one year; two such members shall be appointed for terms of two years; and two such members shall be appointed for terms of three years. Thereafter, the Governor shall appoint successors upon the expiration of the respective terms of office for terms of three years. All such members shall serve until



their successors are appointed and qualified. Such members shall be eligible for reappointment to successive terms of office as members of the board.

(c) The board shall elect a chairperson from among its own membership to serve for a term as established by rules of the board. Four members of the board shall constitute a quorum for the transaction of business. All members of the board shall serve without compensation but may be reimbursed for travel and other expenses incurred by them in carrying out their duties as members of the board.

(d) In the event of a vacancy in the membership of the board, the remaining members of the board shall appoint a full-time chief magistrate who is a member of the fund to fill such vacancy for the unexpired term.

(e) The Council of Magistrate Court Judges shall be authorized to submit the names of nominees for each position on the board appointed by the Governor pursuant to this Code section. The Governor may consider such nominees in making such appointments, but it is specifically provided that all such appointments shall be at the sole discretion of the Governor, and the Governor shall not be required to make any appointments from nominees made by the Council of Magistrate Court Judges.

47-25-21.

(a)(1) There is created the office of secretary-treasurer of the board. The secretary-treasurer shall be elected and appointed by the board and shall serve at the pleasure of the board. His or her compensation and duties may be fixed by the board. In addition to such salary, the secretary-treasurer shall receive credit for a sum of \$1,250.00 per year as dues in the retirement system.

(2) The board or the secretary-treasurer with the approval of the board may employ additional personnel to assist the board or secretary-treasurer in carrying out duties provided in this chapter. The compensation and duties of any such personnel shall be fixed by the board.

(b) The secretary-treasurer shall be paid retirement benefits upon retiring as secretary-treasurer as provided in Article 5 of this chapter for a full-time chief magistrate retiring with the highest benefit allowed by such article and shall be entitled to any retirement option allowed by such article.

(c) The board shall have authority to require the secretary-treasurer to give a good and sufficient surety bond in an amount to be determined by the board. The bond shall be payable to the board and shall be conditioned upon the proper and faithful performance of the duties of the secretary-treasurer. The secretary-treasurer shall be required to make quarterly reports to the board, which reports shall show all receipts and disbursements in such form and in such manner as the board may require. He or she shall likewise be required quarterly to make a full account of all moneys or property coming into his or her hands on behalf of the board at any time.

47-25-22.

(a) The board is granted the following powers and duties:

(1) To provide for the collection of all moneys provided in this chapter;

- (2) To pay the administrative expenses of the board;
  - (3) To hear and decide all applications for retirement benefits under this chapter;
  - (4) To make payment of all retirement benefits that may be determined to be due under the terms of this chapter;
  - (5) To make all necessary rules and regulations, not inconsistent with the laws of the state, for its government and for the government of the employees of the board;
  - (6) To determine and fix rules of eligibility of persons to receive retirement benefits;
  - (7) To make refunds and repayments to persons who may be entitled to receive them; and
  - (8) To keep all records of its meetings.
- (b) The board shall also have all powers necessary for the purpose of administering this chapter.
- (c)(1) Subject to the terms and limitations of this subsection, the board is authorized to adopt from time to time a method or methods of providing for increases in the maximum monthly retirement benefit payable under Article 5 of this chapter for persons theretofore or thereafter retiring under this chapter. Such method shall be based upon:
- (A) The recommendation of the actuary of the board of trustees;
  - (B) The maintenance of the actuarial soundness of the fund in accordance with the standards provided in Code Section 47-20-10 or such higher standards as may be adopted by the board; and
  - (C) Such other factors as the board deems relevant.
- Any such increase may be uniform or may vary in accordance with the time of retirement, length of service, age, nature of the retirement, or such other factors as the board of trustees shall determine.
- (2) Any provision of paragraph (1) of this subsection to the contrary notwithstanding, no member who receives an annual cost-of-living benefit increase pursuant to Code Section 47-25-81 shall receive a benefit increase under this subsection greater than 1 percent of the maximum monthly benefit then in effect; provided, however, that no such member shall receive any such increase unless the members not entitled to a benefit increase under Code Section 47-25-81 receive a like amount plus an additional increase of 2 percent of the maximum benefit then in effect; provided, further, that no benefit increase shall be awarded under this subsection greater than 1.5 percent in any six-month period.

47-25-23.

- (a) The board shall have control of all funds provided for in this chapter and all funds shall be received and disbursed from a special account to the credit of the board. The expenses of administering this fund and the benefits provided for in this chapter shall be paid from such funds. The board shall have authority to expend the funds in accordance with this chapter.
- (b) The board shall have full power to invest and reinvest such funds, subject to all the terms, conditions, limitations, and restrictions imposed by Article 7 of Chapter 20 of

this title, the 'Public Retirement Systems Investment Authority Law.' Subject to such terms, conditions, limitations, and restrictions, the board shall have full power to hold, purchase, sell, assign, transfer, and dispose of any of the securities and investments in which any of the funds are invested, including the proceeds of any investments and any money belonging to the fund.

(c) The board is authorized to employ agents, including, but not limited to, banks or trust departments thereof, and to contract with such agents for their services as investment advisers and counselors, making recommendations for investments and making investments if the board so authorizes.

47-25-24.

The board may take, by gift, grant, or bequest, any money, real or personal property, or any other thing of value and may hold or invest it for the use and purposes of the fund in accordance with this chapter.

47-25-25.

The board shall keep permanent records of all persons who qualify to participate in the benefits of this chapter, an accurate record of all payments and disbursements, and a detailed record of all the acts and doings of the board.

47-25-26.

The state auditor is authorized and directed to make an annual audit of the acts and doings of the board and to make a complete report of the same to the General Assembly in such detail as he or she may see fit. The state auditor shall also have the right to audit the affairs of the board and any of its employees at any time that he or she may see fit or at any time that he or she may be requested to do so by the board or by the Governor.

### ARTICLE 3

47-25-40.

Before any person shall be eligible to participate in the fund, he or she must be serving as a duly qualified and commissioned full-time chief magistrate of a county of the State of Georgia or as the secretary-treasurer. Any qualified person who desires to participate in the fund shall make application to the board for membership in the fund on a form to be furnished by the board for that purpose, giving such information, together with verification and proof thereof, as may be required by the board. Such application shall be made not later than July 1, 2007, or within six months after becoming eligible for membership, whichever is later.

47-25-41.

Each member shall pay into the fund as dues the sum of \$105.00 per month. Each month's dues shall be paid not later than the tenth day of that month.

## ARTICLE 4

47-25-60.

(a) An additional fee shall be charged against any party against whom a judgment is entered in magistrate court. Such fee shall be in an amount equal to the amount determined by the actuary for the fund required to meet the minimum funding requirements divided by the number of judgments satisfied plus the number of consent judgments in such court for the immediately preceding calendar year. Such fee shall be made a part of the judgment and shall be paid by such party after the judgment is entered. Any consent judgment presented to the court shall make provision for the payment of such fee, and the fee shall be paid at the time the consent judgment is presented.

(b) The clerks of the magistrate courts shall collect the fees provided for in subsection (a) of this Code section and the fees so collected shall be remitted to the board on a quarterly basis or at such time as the board may provide. It shall be the duty of the clerks to keep accurate records of the amounts due the board under this Code section and such records may be audited by the board at any time. The sums remitted to the board under this Code section shall be used for the purposes provided in this chapter.

## ARTICLE 5

47-25-80.

In order for a member to be eligible to receive retirement benefits under this chapter, he or she must have:

- (1) Served as a regularly qualified and commissioned full-time chief magistrate or as the secretary-treasurer for at least eight years;
- (2) Fully complied with this chapter;
- (3) Terminated his or her official capacity as a full-time chief magistrate or as the secretary-treasurer;
- (4) Attained the age of 60 years;
- (5) Filed with the board his or her application for such retirement, on a form to be furnished by the board, within a period of 90 days, or as soon thereafter as possible, after reaching the age of 60 years or after termination of his or her official capacity as a full-time chief magistrate or as the secretary-treasurer, whichever may occur last in point of time; and
- (6) Had his or her application for retirement approved by the board.

47-25-81.

Any member who is approved for retirement benefits as provided in Code Section 47-25-80 shall be paid a monthly sum equal to 4 percent of his or her average final monthly compensation for each year served by the member up to, but not exceeding, a total of 20 years; provided, however, that the final monthly compensation used for calculating a benefit under this Code section shall not exceed \$2,815.00; provided, further, that the board of trustees is authorized to adopt from time to time a method or methods of providing for increases in the maximum final monthly compensation used

for calculating a benefit as provided in this Code section. Such method or methods shall be based upon:

- (1) The recommendation of the actuary of the board of trustees;
- (2) The maintenance of the actuarial soundness of the fund in accordance with the standards provided in Code Section 47-20-10 or such higher standards as may be adopted by the board; and
- (3) Such other factors as the board deems relevant;

provided, however, that any such increase shall be uniform and shall apply equally to all members of this retirement system.

No time for which dues have not been paid in accordance with Code Section 47-25-41 shall be considered in determining the number of years of service.

47-25-82.

(a) As used in this Code section, the term 'surviving spouse' means the person who was married to a member on the date of the member's death.

(b) Upon the death of any member who is then receiving retirement benefits and upon the surviving spouse of such member attaining 60 years of age, said spouse shall be paid spouse's benefits which shall be equal to 50 percent of the retirement benefits then being paid to such member. Such benefits shall be paid for the remainder of the life of such surviving spouse.

(c) Upon the death of any member prior to retirement, the surviving spouse of such member may elect:

(1) To withdraw the dues paid into the retirement fund by the deceased member plus interest at the rate specified by law, in which case the spouse shall be deemed to have waived any right to any benefits; or

(2) To leave such dues in the retirement fund and to receive spouse's benefits which shall be payable beginning:

(A) On the date of the member's death, if such member is 60 years of age or older; or

(B) On the date on which the surviving spouse of the deceased member reaches 60 years of age,

whichever event occurs last, and which shall be equal to 50 percent of the retirement benefits which the deceased member was drawing at the time of death or, in the case of a member who dies prior to his or her sixtieth birthday, which such deceased member would have been entitled to receive upon reaching 60 years of age had he or she lived and ceased service as a full-time chief magistrate or the secretary-treasurer on the date of his or her death.

47-25-83.

(a) Any member, after ceasing to serve as a full-time chief magistrate or as the secretary-treasurer and after waiving any right to retirement benefits in writing on a form to be provided by the board, may apply for and be refunded all dues paid, together with 5 percent simple interest per annum from the end of the calendar year in which

paid to the end of the calendar year next preceding the application for the refund.

(b) Although retirement pay shall be based on Code Section 47-25-81 and nothing in this Code section shall be construed to alter same, at the effective date of retirement, simple interest at a rate of 5 percent per annum shall be computed on all dues paid from the end of the calendar year in which paid to the end of the calendar year immediately preceding the date of retirement and shall be added to the total dues paid. After all retirement benefits coming due under Code Section 47-25-81 have been paid and if the total thereof shall not be equal to or exceed the above total of dues and interest, then the balance of such principal and interest shall be paid to the estate of the deceased member.

(c) Upon application by the estate of any member who dies prior to retirement and who does not have a surviving spouse who is eligible for benefits under Code Section 47-25-82, all dues paid by such deceased member, together with 5 percent simple interest per annum from the end of the calendar year in which paid to the end of the calendar year next preceding the application for the refund, shall be paid to the estate of the deceased member.

(d) No dues may be refunded except in strict compliance with this Code section.

#### 47-25-84.

Notwithstanding any other provisions of this chapter to the contrary, a member may retire after completing four years of creditable service if he or she becomes totally and permanently disabled after commencing service as a full-time chief magistrate or as the secretary-treasurer. Any such member shall be entitled to receive retirement benefits in the amount that he or she would receive if his or her retirement were effective at the time he or she became disabled. All questions relating to the degree and nature of the total and permanent disability suffered by the member shall be determined by the board.

#### 47-25-85.

Nothing contained in this chapter shall be construed so as to prevent any person who is a member of the fund from belonging to any other retirement, annuity, or benefit system.

#### 47-25-86.

(a) If a retired member becomes employed as a full-time or part-time magistrate or chief magistrate, his or her retirement benefits shall be suspended during the period of time he or she holds such position, and upon cessation of such service, his or her prior retirement allowance shall be resumed.

(b) If a retired member becomes employed as a full-time chief magistrate, he or she may elect again to become a contributing member of the retirement system and be governed by the retirement provisions of this chapter.

## ARTICLE 6

47-25-100.

If the board determines that the funds derived from the sources provided for in this chapter are not actuarially sufficient at any time to enable the board to pay in full each person determined to be entitled to the benefits provided for, plus all contingent and other liabilities, then a prorated percentage of such payments shall be made to each person entitled thereto until the funds shall be replenished actuarially sufficient to enable the board to resume such payments in accordance with the terms of this chapter. In no event shall the board or any member thereof be liable to any person for any deficiency in payments made under this Code section.

47-25-101.

None of the funds provided for in this chapter shall be assignable."

### **SECTION 2.**

This Act shall become effective on July 1, 2006, only if it is determined to have been concurrently funded as provided in Chapter 20 of Title 47 of the Official Code of Georgia Annotated, the "Public Retirement Systems Standards Law"; otherwise, this Act shall not become effective and shall be automatically repealed in its entirety on July 1, 2006, as required by subsection (a) of Code Section 47-20-50.

### **SECTION 3.**

All laws and parts of laws in conflict with this Act are repealed.

The following Fiscal Note, as required by law, was read by the Secretary:



## **Department of Audits and Accounts**

270 Washington Street, S.W., Suite 1-156  
Atlanta, Georgia 30334-8400

Russell W. Hinton  
State Auditor  
(404) 656-2174

January 12, 2006

The Honorable Bill Heath, Chairman  
Senate Retirement Committee  
Paul D. Coverdell Office Building, Room 304-B  
Atlanta, Georgia 30334

SUBJECT: State Auditor's Certification  
Substitute to Senate Bill 244  
(LC 21 8589S)

Dear Chairman Heath:

This bill would create the Magistrates Retirement Fund of Georgia. Any person who is serving as a duly qualified and commissioned full-time chief magistrate of a county or as the secretary-treasurer of the Fund may elect to participate in this retirement fund. Such election must be made by July 1, 2007 or within six months after becoming eligible for membership, whichever is later.

The Magistrates Retirement Fund would be funded through member contributions of \$105 per month and through fees collected on all judgments satisfied and consent judgments in the magistrate court. The required fee would be determined annually by the actuary based on prior year's activity and based on the amount of contributions required to meet the minimum funding standards. Members would be eligible for retirement benefits after they have served in a qualified position for at least eight years and have attained the age of 60 years. Upon retirement, the member would receive a benefit equal to four percent of his or her average final monthly compensation for each year served, up to 20 years.

This bill also includes provisions for benefits for surviving spouses, disability benefits, and the suspension of benefits for retired members who return to service. If this legislation is enacted, the Magistrates Retirement Fund of Georgia would be created on July 1, 2006.

This is to certify that this substitute bill is a fiscal retirement bill as defined in the Public Retirement Systems Standards Law. This substitute bill does not increase the cost to the Fund which was previously determined by the actuary and reported in the actuarial investigation for LC 21 8492S. Changes made in this substitute bill only revise the source of the funds that will be collected. An updated actuarial investigation was prepared and is attached to this retirement certification.

Respectfully,

/s/ Russell W. Hinton  
State Auditor

On the adoption of the substitute, the yeas were 34, nays 0, and the committee substitute was adopted.

The report of the committee, which was favorable to the passage of the bill by substitute, was agreed to.



On the passage of the bill, a roll call was taken, and the vote was as follows:

Y Adelman	Y Hill,Jack	Y Smith
Y Balfour	Y Hill,Judson	Y Starr
E Brown	Y Hooks	Y Staton
Y Bulloch	Y Hudgens	Y Stephens
Y Butler	Johnson (PRS)	E Stoner
E Cagle	E Jones	Y Tarver
Y Carter	Y Kemp	Y Tate
Y Chance	Y Me V Bremen	Y Thomas,D
Y Chapman	Y Miles	Y Thomas,R
Y Douglas	Y Moody	Y Thompson,C
Y Fort	Y Mullis	Y Thompson,S
Y Goggans	Y Pearson	Y Tolleson
E Golden	E Powell	E Unterman
Y Grant	Y Reed	Y Weber
Y Hamrick	Y Rogers	Y Whitehead
Y Harbison	Y Schaefer	Y Wiles
Y Harp	Y Seabaugh	Y Williams
Y Heath	Y Seay	Y Zamarripa
Y Henson	Y Shafer,D	

On the passage of the bill, the yeas were 48, nays 0.

SB 244, having received the requisite constitutional majority, was passed by substitute.

Senator Chance of the 16th asked unanimous consent that Senator Douglas of the 17th be excused. The consent was granted, and Senator Douglas was excused.

HB 978. By Representatives Hill of the 21st and Smyre of the 132nd:

A BILL to be entitled an Act to amend Article 4 of Chapter 13 of Title 45 of the O.C.G.A., relating to the Georgia Capitol Museum, so as to create the Capitol Art Standards Commission; to provide for its membership and appointment; to provide for the terms of members of the commission and the filling of vacancies; to provide for duties and responsibilities; to provide a definition; to provide for the acceptance of certain funds; to provide limitations on the consideration and passage of bills and resolutions authorizing or requiring the display of certain artwork; to provide for related matters; to repeal

Code Section 50-16-5.2 of the Official Code of Georgia Annotated, relating to the creation of the Georgia Art Policy Committee; to repeal conflicting laws; and for other purposes.

Senate Sponsor: Senator Hooks of the 14th.

The Senate Rules Committee offered the following amendment:

*Amend HB 978 by striking all matter on lines 6 and 7 of page 1 and inserting in its place the following:*

for the acceptance of certain funds; to provide a statement of legislative intent; to provide for

*By striking the word and symbol "placement," on line 1 of page 3.*

*By striking the entire text of Code Section 45-13-74, beginning with line 29 of page 3 and ending with line 3 of page 6, and inserting in its place the following:*

The General Assembly finds that this part constitutes a general law within the meaning of Article III, Section VI, Paragraph IV(a) of the Constitution. The General Assembly intends that there be no enactment of any bill or resolution proposing a special law with respect to capitol artwork."

On the adoption of the amendment, the yeas were 34, nays 0, and the committee amendment was adopted.

The report of the committee, which was favorable to the passage of the bill as amended, was agreed to.

On the passage of the bill, a roll call was taken, and the vote was as follows:

Y Adelman	Y Hill,Jack	Y Smith
Y Balfour	Y Hill,Judson	Y Starr
E Brown	Y Hooks	Y Staton
Y Bulloch	Y Hudgens	Y Stephens
Y Butler	Johnson (PRS)	E Stoner
E Cagle	E Jones	Y Tarver
Y Carter	Y Kemp	Y Tate
Y Chance	Y Me V Bremen	Y Thomas,D
Y Chapman	Y Miles	Y Thomas,R
E Douglas	Y Moody	Y Thompson,C
Y Fort	N Mullis	Y Thompson,S

Y Goggans	Y Pearson	Y Tolleson
E Golden	E Powell	E Unterman
Y Grant	Y Reed	Weber
Y Hamrick	Y Rogers	Y Whitehead
Y Harbison	Y Schaefer	Y Wiles
Y Harp	Y Seabaugh	Y Williams
Y Heath	Y Seay	Y Zamarripa
Y Henson	Y Shafer,D	

On the passage of the bill, the yeas were 45, nays 1.

HB 978, having received the requisite constitutional majority, was passed as amended.

The following communications were received by the Secretary:

LEGISLATIVE SERVICES COMMITTEE

OFFICE OF LEGISLATIVE COUNSEL  
316 STATE CAPITOL  
ATLANTA, GA 30334  
(404) 656-5000

CERTIFICATION OF CAUCUS ELECTION

Honorable Mark Taylor  
Lieutenant Governor  
240 State Capitol  
Atlanta, Georgia 30334

Dear Lieutenant Governor Taylor:

Pursuant to your call for a caucus under the provisions of O.C.G.A. Section 32-2-20, a caucus was held on January 26, 2006, in the Senate Chamber of the State Capitol Building. At that caucus, Honorable Robert L. Brown, Jr., was elected as a member of the State Transportation Board from the 4th Congressional District to serve a term beginning April 15, 2006, and expiring April 15, 2011.

Respectfully submitted,

/s/ David Adelman  
Senator, District 42  
Chairman

/s/ Mike Jacobs  
Representative, District 80  
Secretary

The General Assembly  
State Capitol  
Atlanta

TO: HONORABLE CATHY COX  
SECRETARY OF STATE

This is to certify that Honorable Robert L. Brown, Jr., has been elected, pursuant to the provisions of O.C.G.A. Section 32-2-20, as a member of the State Transportation Board from the 4th Congressional District for a term of five years and until his successor is elected and qualified, such term beginning April 15, 2006, and expiring April 15, 2011.

This 22nd day of February, 2006.

/s/ Mark Taylor  
President of the Senate

/s/ Glenn Richardson  
Speaker, House of Representatives

LEGISLATIVE SERVICES COMMITTEE

OFFICE OF LEGISLATIVE COUNSEL  
316 STATE CAPITOL  
ATLANTA, GA 30334  
(404) 656-5000

CERTIFICATION OF CAUCUS ELECTION

Honorable Mark Taylor  
Lieutenant Governor  
240 State Capitol  
Atlanta, Georgia 30334

Dear Lieutenant Governor Taylor:

Pursuant to your call for a caucus under the provisions of O.C.G.A. Section 32-2-20, a caucus was held on January 26, 2006, in the Senate Chamber of the State Capitol Building. At that caucus, Honorable David Doss was elected as a member of the State

Transportation Board from the 11th Congressional District to serve a term beginning April 15, 2006, and expiring April 15, 2011.

Respectfully submitted,

/s/ Glenn Richardson  
Representative, District 19  
Chairman

/s/ Mack Crawford  
Representative, District 127  
Secretary

The General Assembly  
State Capitol  
Atlanta

TO: HONORABLE CATHY COX  
SECRETARY OF STATE

This is to certify that Honorable David Doss has been elected, pursuant to the provisions of O.C.G.A. Section 32-2-20, as a member of the State Transportation Board from the 11th Congressional District for a term of five years and until his successor is elected and qualified, such term beginning April 15, 2006, and expiring April 15, 2011.

This 22nd day of February, 2006.

/s/ Mark Taylor  
President of the Senate

/s/ Glenn Richardson  
Speaker, House of Representatives

Senator Williams of the 19th moved that the Senate adjourn until 9:00 a.m. Thursday, February 23, 2006.

The motion prevailed, and the President Pro Tempore announced the Senate adjourned at 1:33 p.m.